UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1995/8
20 June 1995

ENGLISH
Original: ENGLISH/SPANISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Twelfth session
Geneva, 1-19 May 1995

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPORT ON THE TECHNICAL ASSISTANCE MISSION TO PANAMA OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

(16-22 April 1995)

CONTENTS

		Paragraphs	Page
Introduction		1 - 16	2
I.	Report of the mission	17 - 70	5
	A. General context	17 - 37	5
	B. State policy in the area of housing	38 - 46	8
	C. Concrete examples of housing problems	47 - 70	10
II.	Observations and recommendations adopted by the Committee	71 - 82	14

Annexes

I.	Programme of work	17
II-VII.	Statistical data on housing issues	20

GE.95-17078 (E)

Introduction

1. The Committee on Economic, Social and Cultural Rights, established by the Economic and Social Council to monitor the implementation by States parties of the International Covenant on Economic, Social and Cultural Rights, considered reports submitted by Panama (E/1984/6/Add.19, E/1988/5/Add.9, E/1986/4/Add.22, E/1989/5/Add.5) at its sixth session in November 1991.

2. The Committee expressed appreciation for the reports, noting that they had been submitted against the background of the extraordinary circumstances in the country resulting from political turmoil and the aftermath of the invasion by the United States of America in 1989 - a situation that had created great disorder in all sectors throughout the country with serious consequences for the enjoyment of economic, social and cultural rights. At the same time the Committee expressed concern that a number of questions relating to housing rights and evictions had not been satisfactorily answered by the State party representative. The Committee's concerns in this regard related in particular to the following:

The Government's claim that 3,000 persons had been affected by the bombing of El Chorillo differed substantially from the number reported by other sources, which placed the figure at between 12,500 and 20,000 persons. This disparity was of serious concern to the Committee in view of the Government's obligations under the Covenant.

The responses given by the State party to questions concerning the living conditions of residents of El Chorillo made homeless by the bombing differed substantially from other information available to the Committee. That information included many complaints by residents who had received alternative accommodation to the effect that they had to travel long distances to and from their places of employment on relatively expensive public transportation and that the overall quality of the housing at the resettlement sites was poor. Moreover, two years after the invasion, a large number of persons had yet to be rehoused.

The justification provided by the Government for the forcible removal of over 5,000 persons from their homes by the Panamanian and United States forces in Tocumen, San Miguelito and Panama Viejo in early 1990 was unacceptable under the terms of the Covenant. The Committee was concerned in particular that a large number of houses had been demolished and that the evictions had not been accompanied by legal eviction orders, which not only infringed upon the right to adequate housing but also on the inhabitants' rights to privacy and security of the home.

3. At its seventh session in December 1992, the Committee considered additional information (E/1989/5/Add.8) submitted by the Government of Panama subsequent to the consideration by the Committee of the reports of Panama at its sixth session in 1991.

4. The Committee expressed appreciation to the Government of Panama for having responded quickly and thoroughly to its request for additional information. It indicated, however, that that information referred to legal norms rather than to their practical application. In particular, with regard

to the right to adequate housing, the Committee was of the opinion that the additional information did not refer to the contents of article 11 of the Covenant and that no information was provided on the procedures established for distributing the compensation given by the United States Government, the situation regarding housing in rural areas or the housing situation of indigenous peoples.

5. In view of the fact that a number of important questions raised earlier by the Committee could not be satisfactorily answered during the consideration of Panama's supplementary report at the Committee's seventh session, the Committee decided, in accordance with its procedures for follow-up action, to offer to send one or two of its members to Panama to advise the Government in relation to the matters identified in paragraph 135 of the report on its sixth session (E/1992/23).

6. In its decision 1993/294, adopted on 28 July 1993, the Economic and Social Council endorsed the Committee's offer. The decision reads as follows:

> "At its 44th plenary meeting, on 28 July 1993, the Council noted the decision of the Committee on Economic, Social and Cultural Rights to inform the Government of Panama of its offer, in accordance with the procedure for follow-up action adopted by the Committee's seventh session and in pursuance of article 23 of the International Covenant on Economic, Social and Cultural Rights, to send one or two of its members to pursue a dialogue with the Government in relation to the matters identified in the report on its sixth session. The Council approved the Committee's action, subject to the acceptance of the Committee's offer by the State party concerned."

7. In a letter dated 17 September 1993, the Chairperson of the Committee informed the Government of Panama of the above decision.

8. In a note verbale dated 27 January 1994, the Government of Panama informed the Committee that:

> "The Government of the Republic of Panama is grateful for the offer made in Economic and Social Council decision 1993/294 and wishes to communicate its decision to decline the offer, this not being the most appropriate or convenient time to receive such advice."

9. At its tenth session, held in May 1994, the Committee considered further information submitted by the Government of Panama and decided to continue its dialogue with the State party with respect to its implementation of the right to housing at its eleventh session (21 November-9 December 1994), with a view to adopting concluding observations.

10. On 6 December 1994, during its eleventh session, the Committee heard a statement by the Permanent Representative of Panama to the United Nations Office at Geneva in which he indicated that the Government of Panama accepted the offer of the Committee to send two of its members to pursue its dialogue with the Government in relation to the matters identified by the Committee at its sixth to eleventh sessions.

11. The Committee expressed its appreciation to the Government of Panama for its readiness and willingness to cooperate and establish, inter alia, the following parameters and guidelines for the mission:

The Committee should be represented by Mr. Philippe Texier and Mr. Javier Wimer Zambrano and assisted on the mission by the Centre for Human Rights;

The mission should take place preferably before the Committee's twelfth session, ideally in March or the beginning of April 1995;

The mission should focus on the implementation of the right to housing (art. 11 (1) of the Covenant) but this should not prevent members of the Committee from accepting information on other matters which might be relevant to the Committee's eventual consideration of Panama's next periodic report;

The mission should meet the government authorities responsible for housing questions and should also seek the views of institutions liable to become involved in housing problems in one capacity or another, such as judicial authorities, national, regional or local administrations, representatives of civil society (non-governmental organizations, churches, universities, etc.) and other qualified individuals or institutions;

The mission should be able to make on-the-spot visits, particularly to areas where urban development schemes are planned, where evictions have taken place or where housing conditions are inadequate;

The mission's objectives should be to gain a more precise idea of the housing situation in Panama and to pursue a dialogue with the Government and civil society with a view to securing the best possible implementation of the Covenant in the area of housing;

The confidential report should be considered by the Committee in private and subsequently adopted for public release.

12. It was further decided that the agenda for the mission should be prepared in consultation with the Government of Panama, the Centre for Human Rights, the two experts and possibly the Chairperson of the Committee, as well as with bodies representative of civil society.

13. In preparing the mission, information was sought and received from the following sources:

United Nations organs: United Nations Development Programme (UNDP), United Nations Centre for Human Settlements (HABITAT), Economic Commission for Latin America (ECLA) and the Office of the United Nations High Commissioner for Refugees (UNHCR)

Specialized agencies: International Labour Office (ILO), World Bank, International Monetary Fund (IMF)

Regional organizations: Inter-American Commission on Human Rights, Inter-American Development Bank

Non-governmental organizations: Habitat International Coalition, Comisión Nacional de Derechos Humanos en Panama (CONADEHUPA), Centro de Capacitación Social (CCS), Central American Human Rights Commission (CODEHUCA), Comisión Americana de Juristas, Coordinadora Popular de Derechos Humanos en Panama (COPODEHUPA), Servicio Paz y Justicia (SERPAJ), Congreso General Ngobe-Buglé, Asociaciones de moradores de San Miguelito, Sagrada Resurrección, Fellipillo and others.

14. The mission took place from 16 to 22 April 1995. The two members of the mission were accompanied during their visits, with the consent of the Government, by the Executive Secretary of Habitat International Coalition.

15. The Government of Panama provided the mission with all required information, facilitated access to the areas of interest for the mission, helped to organize various meetings with the representatives of regional and municipal authorities, non-governmental organizations, the church and academic institutions both in Panama City and Colón and cooperated with the mission in a constructive and open manner, which was highly appreciated by the members of the mission.

16. A detailed schedule of its meetings and activities is contained in annex I. Statistical data on housing issues are contained in annexes II to VII.

I. REPORT OF THE MISSION

A. General context

17. Panama is a country whose development is relatively advanced and which now ranks forty-seventh in the world. It has some particular features that are probably the result of the existence and operation of the Canal since the beginning of the century. The tertiary sector in Panama is therefore much larger than in neighbouring Central American countries, since it accounts for 75 per cent of GDP. However, enormous social inequalities are evident throughout the country and, in particular, in the city of Colón, where the coexistence of very great wealth and very great poverty is quite striking.

18. In a document prepared for the World Summit for Social Development, the Government reports one of the worst distributions of income in the world and very high rates of unemployment and underemployment, estimating that about half the population of the country lives in poverty.

19. The indigenous population, which is composed of five ethnic groups, accounts for between 8 and 10 per cent of the population, i.e. some 200,000 persons out of a total of approximately 2.4 or 2.5 million, according to the latest census. It is one of the poorest and most vulnerable sectors of society.

20. The population is characterized by very uneven geographical distribution: it is heavily concentrated in urban areas, especially around the capital, and

thinly spread out in rural areas. This trend towards flight from the land will probably not decline and can only speed up the processes of unemployment, underemployment, increased poverty and land takeovers if measures are not taken to reverse it.

21. In this general context, the United States invasion of 20 December 1989 caused the destruction of hundreds of dwellings in two of the most heavily populated districts of the capital, thus worsening the already critical housing problem.

22. During the period 1990-1993, the average annual growth rate was, however, about 8 per cent and real per capita income was 6.3 per cent, with growth taking place primarily in the services sector and in the capital and the Canal Zone. Macroeconomic indicators show that the national economy was making a good recovery on the whole but, as the Government notes, the distribution of its benefits did not make it possible to eliminate or, in most cases, even to remedy existing deep-rooted structural inequalities which are reflected mainly in the level and distribution of income, as well as in differentiated access to public services.

23. From the political and geographical point of view, 48 per cent of the country's corregimientos 1/ have a per capita income that is lower than the cost of the basic food basket in Panama City (195.16 balboas 2/ per month) and, in 84 per cent of the corregimientos, income is lower than the "expanded food basket".

24. The unemployment rate is still high. In 1989, it stood at 16.3 per cent for the entire territory, falling to 12.9 per cent in 1993. A large part of the population is underemployed. The result has been a drop in the earnings of the poorest groups and a deterioration in the real wages of workers in private enterprise.

Housing situation

25. The housing shortage is unanimously recognized, both by the Government and by non-governmental organizations and international agencies. According to sources, it stands at between 200,000 and 250,000 dwellings. For example, an article in the newspaper La Prensa of 14 October 1994 reports the need for 240,000 dwellings, 60 per cent of these in Panama City and Colón. The Ministry of Housing, for its part, estimates that, in 1993, there was a shortage of 195,244 dwellings, 48 per cent of that amount in the province of Panama. 3/

26. The average number of occupants per dwelling is 4.4 for the entire territory and 24 per cent of dwellings have only one room. Conditions of habitability are often quite dramatic: 18.5 per cent of dwellings have dirt floors, 16.3 per cent have no drinking water and these figures are higher in the poorest provinces in the country (Bocas del Toro, Chiriquí, San Blas and Veraguas). Health services are lacking in 44 per cent of cases and electricity is also in short supply. In many districts, access roads are nearly impracticable and workplaces and schools are far away from dwellings.

27. At the institutional level, three agencies are involved mainly in the housing and urban development sector: the Ministry of Housing, the National Mortgage Bank and the Savings Bank.

28. An Act of 25 January 1993 set up the Ministry of Housing, which defines and coordinates national housing policy, particularly in respect of housing projects for low-income population groups. The National Mortgage Bank provides financing for the national projects implemented by the Ministry. It governs and provides funding through taxation for the national savings and loan system for housing. The Savings Bank plays a similar role.

29. The National Mortgage Bank estimates that low-income borrowers are behind in their payments by 36 million balboas. It receives external assistance from USAID and the Inter-American Development Bank (IDB), but has to pay debt interest. In view of the high cost of construction, it considers that it does not receive enough assistance from the Government.

30. The private sector, which is represented mainly by the Caja Panameña de la Construcción (Panamanian Construction Company) (CAPAC) is involved in housing and road construction, but mainly builds high-cost and medium-range individual and co-owned dwellings and dwellings in the lower-medium price range. It is quite clearly subject to the play of market forces. It depends on the financial policy of the commercial and mortgage bank and aims to meet only "genuine" demand, that is to say, from persons who need a dwelling and can pay for it. It considers that it is the Government's responsibility to build housing for the poorest population groups.

31. It should be noted that, according to indications from a number of governmental and non-governmental sources, practically no rental dwellings have been built for several years. Rent collection is considered too difficult and, consequently, the maintenance of existing buildings has been abandoned and many are now in a dreadful state, even though they are still inhabited. The Renta 2 and Renta 5 buildings in Panama City, for example which are about to collapse, had structural weaknesses as soon as they were built.

32. As a result of the low standard of living of much of the population, the often precarious land ownership situation, the housing shortage and the flight from the land, there has been an increase in the number of land takeovers and the construction of shacks on occupied land belonging to the Government or to private individuals.

33. The problem is not a new one, but it has become more important in recent years. According to information from the Ministry of Housing some 62,700 families or about 300,000 persons are now squatting in 314 illegal settlements in the country. Eighty-eight per cent of these cases, involving 52,729 families, are in the Panama City metropolitan area. The other most affected urban centres are David and the outskirts of Colón.

34. The Canal Zone is a special case because of the signature in 1977 of the Torrijos-Carter Treaty, which provides for the restitution to Panamanian

jurisdiction of land along the banks of the Canal and of Panama City and Colón. These are called areas revertidas (restored areas). At present, they account for about 900 km^2.

35. The expected positive impact of the incorporation of the use of restored land into the country's economy and of the improved urban development of Panama City and Colón has not yet really been felt. An act on restored areas was adopted on 14 January 1991 which establishes more flexible machinery for the planning and identification of the use of such areas. A specific agency, the Inter-Ocean Regional Authority (ARI), was set up on 25 February 1993 to administer property restored to Panama under the Torrijos-Carter Treaty.

36. A total of 1,250 hectares in the Pacific sector and 450 hectares in the Atlantic sector are thus to be removed from the public domain by 31 December 1999. IDB granted the Republic of Panama a loan of $8.5 million to give ARI support for the preparation of studies for the improved use of resources which have been or are to be restored, for the preservation of the Canal basin and for the formulation of a metropolitan plan for the development of Panama City and Colón. The planning of zones which have been or are to be restored has the following three components:

The Canal, administered by the Canal Commission;
Property on the banks of the Canal, mainly military bases;
The water catchment system.

37. One of ARI's tasks is to receive property and administer it and then share it out among the competent authorities. Dwellings are assigned by the Ministry of Housing.

B. State policy in the area of housing

38. For the period 1990-1994, the Ministry of Housing had set itself the objective of building 100,000 "housing units" through a joint effort by the public and private sectors. It was trying to achieve 50 per cent of that goal, focusing primarily on the low-income sectors, by means of programmes for self-management and execution of housing construction. In February 1994, the Ministry considered that it could achieve 30,000 housing units but this objective has not been fully attained.

39. The Ministry's policy has three objectives:

To deal with the existing nuevos asentamientos organizados (NAOs) new organized settlements, in order to address the problem of land takeovers by needy families;

To develop the lotes servidos (plots with basic utilities) programmes;

To develop the housing improvement programme, by means of a loan for materials.

40. In the course of the interview which he accorded the mission, the Minister of Housing showed a clear awareness of the problem. He considered that the housing problem had been serious since the beginning of the century,

that the housing shortage had increased enormously in recent years and that the needs of the poorest sectors of the population had driven them to illegal action. He regarded two questions as having priority:

Land ownership: to put an end to the takeovers and the resultant legal insecurity, titles of ownership must be given, notably for a part of the area revertida (restored area);

Modification of the concept of housing. He used the expression "decent housing" and considered that the law needed to be amended. Knowing that there are in existence dwellings of 24 square metres, and even smaller in some cases (the mission visited some with a surface area of about 13 square metres), a bill has been submitted to the Legislative Assembly forbidding the construction of dwellings of less than 36 or 42 square metres.

41. The mission was also clearly told by the Minister that no evictions were being or would be carried out, that no dwelling would be burnt down and that the few persons who had been evicted had been offered alternative solutions. The aim is to seek legality without jeopardizing the most vulnerable members of the population.

42. The Government wants to eliminate within five years the wooden, insanitary and dilapidated houses in the Canal Zone, in other words, 1,000 or so casas condenadas, condemned or abandoned houses, where about 30,000 families are living. One of the proposed solutions is to institute the "nine for one" system, a financing scheme with 10 per cent guaranteed by the State and 90 per cent by the bank or private financing sector.

43. The agency responsible for government activities in the community development sector is the Directorate-General for Community Development (DIGEDECOM), established in 1969 and now placed under the responsibility of the Ministries of the Interior and Justice. When it was set up, its aim was to promote the development of small communities in Panama, especially in the marginal areas and in those where great poverty prevails, by organizing local groups and executing community programmes and projects. DIGEDECOM has an office in Panama City and offices or workshops in a few provincial capitals.

44. In parallel with this programme, a decree of 30 May 1990 set up the Social Welfare Programme, and the Social Emergency Fund (FES) was designated as intermediary between the agencies executing the projects and the financial institutions in order to attain the objectives of the Social Welfare Programme. The objectives of FES include:

The creation of sources of employment and income for the poorest members of the population;

To increase the income of needy groups;

To improve the economic and social infrastructure;

To meet the basic needs of the population.

45. DIGEDECOM does not have a good image in the community because of its strong degree of politicization and inefficient management during the late 1980s, with the result that it does not enjoy determined support from the present Government. FES began its activities on 24 October 1990, with financial support from UNDP, and has executed a number of projects that were considered necessary by the communities themselves. It is at present negotiating with IDB a loan of about $50 million intended for social development and job creation. This poses a difficult problem of coordination between the two agencies, which are pursuing the same objectives.

46. The main thrusts of the housing policy defined by the Ministry of Housing are summarized as follows in a document entitled "A brief view of housing policies" that was issued in April 1995:

> To encourage, implement, facilitate and promote the production of dwellings, mainly for low-income groups, with the help of the private sector;
>
> To reduce the cost of basic construction materials by reducing planning norms and specifications for dwelling construction, to enable the private sector to produce and finance dwellings at a lower cost, so that they will be accessible to a greater number of the poorest people in the country;
>
> To provide, as the Ministry's housing units, decent dwellings with a minimum floor area of 42 square metres;
>
> To establish mechanisms for obtaining loans more easily, encouraging self-management so as to improve the standard of living of the population;
>
> To facilitate the approval of land-use plans by creating a "single application centre" for housing projects of social value.

C. Concrete examples of housing problems

San Miguelito

47. The settlement of what was originally a mere hamlet began in the early 1950s with a small group of 20 families, who were living in subhuman conditions; it then became a town district, whose inhabitants remained very disadvantaged. Through their bold and determined efforts, the inhabitants secured the designation of San Miguelito as a special district by a decree of 30 July 1970 by General Omar Torrijos. The first community assembly was elected in August 1970 and designated representatives in 15 zones. Gradually and as a result of successive takeovers, San Miguelito has become a large city, whose population is now approaching 400,000.

48. Within San Miguelito, which covers a very large area, there are some relatively comfortable housing zones and others which remain very precarious. This is the case with the Santa Librada community, which the mission visited.

This community has a population of some 3,000, including 500 children, and is suffering from three main problems: the lack of drinking water, the lack of an access road to serve the dwellings and the lack of a school. The Government is considering a project, to be financed by an FES loan. But the essential problem, here as in many other communities, is that of the legalization of the ownership of the land. Great uncertainty exists concerning the price of the land. The Ministry of Housing informed the mission that titles of ownership would be issued this year. Loans are granted at an interest rate of 8 per cent, which is still very high in relation to the normal rate charged by banks (9 per cent).

The city of Colón and its environs

49. The situation in this city has been critical for a very long time now. In the city centre, "condemned houses", old dilapidated, totally insanitary wooden buildings, still exist. They are gradually being demolished and the inhabitants rehoused, often very far from the centre and hence far from sources of work.

50. In many cases, the inhabitants have used so-called "self-help construction" methods, with the support of NGOs or external assistance, at more competitive prices than for buildings erected with state funds. A majority of the inhabitants fear that they will be evicted without a practical alternative solution, which often creates fairly sharp tension. The community representatives all hope that ongoing consultation will be established with government representatives.

51. At the present time, there is no general urban development plan for this zone, where many houses will have to be demolished in the short or medium term.

52. The mission visited two communities situated not far from Colón in the "restored area" (area revertida): Sagrada Resurección and Vista Alegre 2. These have somewhat different problems, but one similarity - the non-existence of titles of ownership.

53. The members of the Sagrada Resurección community, intended for 537 families, of whom 189 are already inhabiting the so far uncompleted site, do not yet have titles of ownership and do not know the exact price they will be charged. There is an agreement with the Savings Bank, which has, however, reportedly sold certain land to the Colón Internacíonal Company; since then, a conflict has existed and is creating tension. The community has invested much personal labour in making the district viable and hopes to reach an agreement with the Ministry.

54. The Vista Alegre 2 community is much smaller and is also suffering from the lack of legalization of the land, which was considered the property of the National Mortgage Bank but is in fact owned by a private individual. Thirty-six families are still not covered by the proposed transfer and, here again, legal proceedings are under way and an overall solution must be found.

The Felipillo, Alto del Llano, Chorrillito and Nueva Esperanza communities

55. In the first community, which has not been completed, there are about 300 families who have no title of ownership. They are encountering several problems: non-existence of titles of ownership, difficulties with water and electricity, the price of land.

56. Here again, the inhabitants have contributed to upgrading the community, but complain about the lack of a clinic and school, the distance from sources of work, and transport and security problems.

57. Certain dwellings are unacceptably small (13.50 square metres) and the inhabitants are living in conditions of overcrowding, which are causing serious difficulties, especially with regard to the health of the children.

The specific problem of the "El Chorrillo" district following the United States invasion in December 1989

58. The bombardments and the acts of destruction or arson that occurred in the days following the invasion affected about 20,000 persons. The most stricken district was that of El Chorrillo, where several blocks of apartments were totally destroyed, as a result of which their inhabitants were forced to seek alternative accommodation, often at a great distance from their former dwelling. Other buildings suffered severe damage, which has not yet been repaired: leaking water pipes, malfunctioning lifts, the deteriorating condition of toilets and communal areas of buildings, etc.

59. Some rebuilding that was carried out in the same district in a hasty manner after the invasion has serious drawbacks: very dark, unventilated apartments that are without real windows and do not provide decent living conditions.

60. Other alternative accommodation was made available at a great distance from the city centre, as in the case of the Santa Eduviges community, which was built with the help of a loan from USAID. Each dwelling cost $6,500. The inhabitants, who all come from El Chorrillo district, are complaining about being far from any source of employment and about the cost of transport. They feel isolated, in a dismal, unfinished neighbourhood where they are still faced with problems of sewage disposal, electricity and communications. Moreover, the roofs of the houses are made of material that is hazardous to health in so far as it could cause cancer.

61. It should be noted that it is very difficult to determine the amount of the United States contribution to the emergency housing programme following the December 1989 intervention.

62. According to a report by the Ministry of Housing dated 21 January 1992, the Government of Panama held negotiations with the United States Government concerning the financing of repair of the damage caused by the military action and two agreements (525-0300 and 525-0302) signed in 1990 provided for aid to be granted by the United States in the amount of $42,625,400, half of this to be used for the "El Chorrillo plan". The Government of Panama reportedly

contributed an additional amount of $3,283,000 for the El Chorrillo plan and USAID is said to have used $1.9 million of its funds for the upkeep of Albrook Camp and other camps.

63. According to official figures, 2,723 families (or approximately 13,500 persons) are entitled to benefit from the financial assistance provided for under the agreements.

64. This information is challenged by the NGOs and by many citizens of Panama. On 10 May 1993, 300 of them lodged a complaint with the Inter-American Commission on Human Rights, which allowed 285 cases, after the United States Supreme Court had rejected all the applications submitted to it. The investigation of these complaints is continuing and a number of witnesses have already been heard.

65. The present Government indicates that the files relating to the United States assistance are no longer in its possession. The question arises whether the total sum reported was in fact allocated and in what manner.

The specific case of the indigenous territories

66. The Committee had received reports from NGOs concerning several expulsions in the territory occupied by the indigenous Ngöbe-Buglé people, as illustrated by the case of Puente Blanco in the province of Bocas del Toro and the case of Campo Alegre in the province of Chiriquí.

67. Plans had been made for the mission to visit that area in order to inspect the sites and interview the indigenous populations. However, since a dispute had broken out between the indigenous populations and a mining company that wanted to carry out mining operations in the Ngöbe-Buglé 4/ territory, the Government felt that, for security reasons, the mission should not travel to the provinces of Bocas del Toro and Chiriquí. The members of the mission found that regrettable because the local communities were expecting them and several persons had travelled long distances to meet them. Finally, in the capital, they were able to meet the chiefs of the various communities, who informed them of their problems.

68. The provinces of Bocas del Toro, Chiriquí and Veraguas are undoubtedly the poorest in the country and the indigenous communities constitute the most disadvantaged populations, living in conditions of extreme poverty and legal insecurity with regard to the ownership of their lands. Their main demand, which they explained to us in simple and often very poetic language, is the demarcation of their territory (the Comarca), for which they have been fighting since the 1960s.

69. They live from subsistence agriculture and are facing serious ecological difficulties, particularly problems of soil erosion. The incursion of mining companies into the region and their desire to exploit the subsoil without overly concerning themselves with the damage caused to the Ngöbe-Buglé communities is giving rise to conflicts that could become serious unless rapid measures are taken.

70. The general congress of the Ngöbe-Buglé people, which was attended by more than 5,000 indigenous inhabitants in March 1995, demanded, in particular, urgent consideration of the draft bill establishing the "Comarca Ngöbe-Buglé"; it also requested provision of the requisite medical resources and called for ratification of ILO Convention No. 169. It condemned the proliferation of mining activities that are threatening its people's survival and requested the right to be consulted in this regard. It opposed any expulsion, threat or intimidation on the part of the landowners.

II. OBSERVATIONS AND RECOMMENDATIONS ADOPTED BY THE COMMITTEE

71. Taking into account the fact that Panama is a country with a population of about 2.5 million, an average of 4 to 5 persons per family and a housing shortage fluctuating between 200,000 and 250,000 units, according to the estimates of senior government officials, it is evident that the housing problem affects almost one third of the population.

72. The inability of the previous Government (1989-1994) to address the problem in a serious and effective manner was aggravated by a policy of forcible expulsions and the construction of unsuitable dwellings.

73. The present Government has recently adopted measures and programmes that demonstrate its concern to satisfy the demand for housing. The officials in the social services sector who are responsible for the formulation and implementation of this policy have assessed the nature and magnitude of the problem, as well as its implications from the standpoint of human rights and the need to tackle it in agreement with the communities concerned.

74. In this regard, the solutions that were applied unilaterally by the Government in districts such as El Chorrillo and El Cerezo contrast with those resulting from consultation between the Government and the groups concerned, as happened in the case of the commune of Arraiján. The policy of administrative simplification, which began with the creation of "onestop services centres", is a good illustration of this, for it accelerates approval of town planning and social housing projects.

75. Nevertheless, the Government's endeavours are hampered by the lack of a national physical planning scheme and a national housing plan. A complete inventory of resources and demands would enable it to formulate its objectives and programmes more effectively.

76. However, some very positive signs can be noted, such as the increasing awareness of the problem, the various measures that have been taken to solve it, for example, the bill submitted by a member of Parliament on 4 April 1995 recognizing the social benefits of the construction of low-income housing and prohibiting the construction of dwellings with an area of less than 36 square metres, and the firm intention to refrain from further forcible expulsions.

77. Unfortunately, there are still sources of concern, such as the magnitude of the problem, some further expulsions at the end of 1994, the importance

accorded to the private sector at the expense of public institutions and the insufficient regard that is sometimes shown for the aspirations and achievements of the various communities.

78. The Committee thanks the Government for the efforts made to facilitate dialogue with it by agreeing to the visit of a mission to Panama, by making available all the facilities necessary for the performance of the mission's task, by providing access to all necessary documents and to all the areas affected by housing problems and by facilitating the mission's dialogue with Panamanian civilians. It also welcomes the presence of a delegation from Panama during the consideration of the report of Panama at the Committee's twelfth session.

79. In the light of the foregoing the Committee recommends that the Government of Panama should:

(i) Accelerate the studies being undertaken with a view to the establishment of a national social housing plan that takes account of the needs of all communities, defines the objectives to be achieved, designates those to be responsible for the plan, sets a five-year timetable and determines and makes use of the resources available. The work that is currently being carried out by the Inter-Ocean Regional Authority is a sound starting-point in this regard;

(ii) Speed up the legislative process for the demarcation of the indigenous Comarca of the Ngôbe-Buglé in the provinces of Bocas del Toro, Chiriquí and Veraguas and suspend mining operations pending consultation with the populations concerned;

(iii) Put an end to the Government practice of expulsion, both in the indigenous areas and throughout the country, in accordance with article 11 of the Covenant and the Committee's General Comment No. 4;

(iv) Consider ratifying ILO Convention No. 169, as requested by the indigenous communities;

(v) Support the bill which has already been submitted and which stipulates that low-income dwellings should not be less than 36 or 42 square metres in area;

(vi) Accord priority to housing rehabilitation and construction programmes for social groups which have been living for several years in obviously unacceptable conditions and are demanding decent housing. This applies to several buildings in El Chorrillo district, which were destroyed during the United States invasion, and houses that have been condemned in Colón and in the capital;

(vii) Take account of the demands of groups that have been resettled in dwellings whose construction does not meet the minimum safety and health standards.

(viii) Institutionalize its policy of consultation by establishing permanent bodies for consultation on policies, activities and programmes, with representation of the NGOs which promote and uphold the right to housing and the "Pobladores" organizations, which experience the problem directly;

(ix) Accelerate and extend the policy of regularizing property ownership, by making available more financial and human resources for programmes in this area and by considering administrative measures to facilitate them;

(x) Accord priority to State investment in the construction of low-income housing and in assistance to the production of housing by the public sector, without leaving the initiative entirely to the private sector;

(xi) Establish an entity for gathering and analysing reliable statistical data on the national housing situation (number of homeless, number of dwellings that are deficient or lack basic services, number of low-income dwellings built, etc.) to enable the Committee to follow developments with regard to respect for the right to housing in Panama.

80. The Committee would like the Government of Panama to keep it informed of the action taken on its recommendations concerning the right to housing, within the context of the third periodic report due on 30 June 1995.

81. In conclusion, the Committee recommends that the High Commissioner for Human Rights request the Centre for Human Rights to provide advisory services, as requested by the Government of Panama, in coordination with the United Nations agencies and regional institutions already established in Panama, such as UNDP, Habitat and the Inter-American Development Bank, as well as with the international financial institutions - IMF and the World Bank.

82. The Committee also requests that the High Commissioner convey the contents of the present report to the Government of Panama during his scheduled trip to Panama in June 1995.

Notes

1/ Corregimiento = an administrative division corresponding to one or more districts.

2/ One balboa = $1.

3/ MIPPE, Social Report, 1994.

4/ The Ngôbe-Bugle people, comprising about 120,000 persons, is numerically the largest indigenous community in the country.

Annex I

PROGRAMME OF WORK

TECHNICAL ASSISTANCE MISSION OF THE UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS TO PANAMA

16-22 April 1995

SUNDAY 18 APRIL

Meeting with officials of the Ministry of Housing and the Ministry of Foreign Affairs

Meeting with representatives of non-governmental organizations

MONDAY 17 APRIL

8.30 a.m. Reception by the Minister of Housing, Dr. Francisco Sánchez Cardenas

9.30 a.m. Meeting with San Miguelito authorities and visit to the Santa Librada, Cerro Batea and Roberto Duran public housing projects

2.30 p.m. Meeting with representatives of the United Nations in Panama and Central America (UNDP, HABITAT, ILO, UNFPA)

6.30 p.m. Meeting with representatives of CONADEHUPA and the Social Training Centre

TUESDAY 18 APRIL - Colón

8.45 a.m. Meeting with representatives of the regional office of the Ministry of Housing

10 a.m. Meeting with Monsignor Ariz, Bishop of Colón

11 a.m. Meeting with officials: Governor of the Province of Colón, Mayor of the District of Colón and members of the Technical Board

1.30 p.m. Meeting with leaders of the La Sagrada Resurrección district

2.45 p.m. Meeting with representatives of the Vista Alegre No. 2 district

3.30 p.m. Visit to the districts in the restituted area

WEDNESDAY 19 APRIL

8 a.m. Visit to affected sectors of Panama City: Felipillo, Santa Eduviges, Renta 5, Edificio Galvez, Chorrillo, Santa Ana. Interviews with representatives of persons affected

4 p.m. Meeting with the President of the Social Cabinet, the Minister of Health, Dr. Aída Libia Moreno, and other members of the Social Cabinet

THURSDAY 20 APRIL

8 a.m. Meeting with senior officials of the Chamber of Construction of Panama (CAPAC)

9 a.m. Meeting with officials of the Banco Hipotecario Nacional: Mr. Winston R. Welch, General Manager

10 a.m. Meeting with the members of the Housing Commission and the Human Rights Commission of the Legislative Assembly:

Abelardo E. Antonio, President
José Del C. Serracín, Vice-President
Alberto Magno Castillero, Secretary
Victor López, member
Donato Rosales, member
Leopoldo Benedetti, member
Marco As. Ameglio, member
Rogelio Sánchez Tack, adviser
Lucasa Zarak, President
Miguel Sánchez, member

11 a.m. Visit to Arraiján, La Chorrera and Los Cerezos
Meeting with representatives of the Frederick Ebert Foundation accompanied by the Deputy-Minister, Rogelio Paredes Robles and experts from the Ministry of Housing

4 p.m. Meeting with members of the Commission on Indigenous Affairs of the Legislative Assembly: Mr. Montesuma, President, Mr. Rogelio Alba and other members

7 p.m. Meeting with the country's indigenous authorities and representatives of the National Coordinating Committee of Indigenous Peoples (CONAPIP)

FRIDAY 21 APRIL

9 a.m. Meeting with Inter-Ocean Regional Authority (ARI)

9.30 a.m. Meeting with Omar Jaem Suárez, Deputy Minister for Foreign Affairs, and Oscar Ceville, Director-General for International Organizations, Ministry of Foreign Affairs

11.15 a.m. Meeting with officials of the Ministry of Housing
Meeting with A. Antonio Ducreux, Deputy Minister of Labour and Social Welfare

1 p.m. Meeting with José Antonio Sossa, Attorney-General

2 p.m. Meeting with non-governmental organizations coordinated by CONADEHUPA, the Centre for Social Training, and Irene Perurena, external human rights adviser to the President

3.30 p.m. Meeting with representatives of the UNDP office in Panama

4.30 p.m. Meeting with the rectors of Panama's universities:

Gustavo García de Paredes, University of Panama
Jorge Luisquiros Ponce, Florida State University
Stanley Muschett, Santa María La Antigua University
Joaquín Villar-García, Columbus University
Héctor Montemayor, Technological University
Pablo Mitchelsen, University of the Isthmus
Laurentino Gudiño, Interamerican University of Extramural Education
Hermann Castro, Latin-American University of Science and Technology
Plutarco Arrocha, Higher Institute of Business Management
Zonia de Smith, Latin University of Panama
Nelson Riquelme, Open and Extramural University of Panama
Martin C. Taylor, Studies Centre of Panama Nova Southeastern University
Lucrecia Herrera C., University of Peace
William Salom, Interamerican University of Panama
Jorge Laurencena
Glorieta H. de Rengifo, Vice-Chancellor, University of Panama
Reinaldo Barris Marín, University of Peace

6.30 p.m. Evaluation meeting with non-governmental organizations: Centre for Social Training, CONADEHUPA and Irene Perurena, presidential liaison officer for non-governmental organizations

Annex II

SHARE OF THE CONSTRUCTION SECTOR IN GDP
1970-1973

(in millions of 1970 balboas)

Year	Value added construction	Real GDP	Construction/GDP (%)
1970	68.2	1 016.3	6.71
1971	85.0	1 113.9	7.63
1972	87.0	1 165.3	7.47
1973	99.6	1 228.3	8.11
1974	87.9	1 258.1	6.99
1975	96.9	1 278.2	7.58
1976	99.6	1 299.1	7.67
1977	73.8	1 313.6	5.62
1978	102.5	1 442.4	7.11
1979	102.4	1 507.1	6.79
1980	124.3	1 736.4	7.16
1981	128.3	1 806.7	7.10
1982	154.7	1 907.0	8.11
1983	106.4	1 918.5	5.55
1984	87.9	1 910.2	4.60
1985	87.9	2 000.4	4.39
1986	94.5	2 067.0	4.57
1987	91.9	2 117.0	4.34
1988	36.1	1 786.7	2.02
1989	23.9	1 779.2	1.34
1990	33.2	1 863.1	1.78
1991	72.7	2 039.4	3.56
1992	113.0	2 212.9	5.11
1993	148.6	2 332.3	6.37

Source: Office of the Controller-General of the Republic.

Annex III

BREAKDOWN OF INVESTMENT IN CONSTRUCTION
1970-1993

Year	Total investment in construction	Investment in housing	Investment in other buildings	Investment in other works
1970	148.4	54.4	48.4	45.6
1971	187.8	70.9	64.2	52.7
1972	203.1	74.1	65.9	63.1
1973	229.0	99.4	58.1	71.5
1974	183.3	46.5	62.2	74.6
1975	209.4	44.5	70.0	94.9
1976	201.8	32.2	36.8	132.8
1977	140.1	44.8	40.9	54.4
1978	192.6	44.0	58.7	89.9
1979	185.4	42.6	82.7	60.1
1980	224.0	37.0	87.2	99.8
1981	248.6	42.8	82.3	123.5
1982	289.3	41.4	80.2	167.7
1983	203.1	39.6	73.4	90.1
1984	167.1	43.1	48.6	75.4
1985	159.6	60.8	57.0	41.8
1986	174.9	66.7	60.6	47.6
1987	170.9	67.3	69.9	33.7
1988	66.3	23.9	26.5	15.9
1989	45.0	12.1	17.7	15.2
1990	57.0	14.2	33.6	9.2
1991	129.2	30.6	61.5	37.1
1992	200.3	49.9	98.1	52.3
1993	258.4	90.7	111.5	56.2

Source: Office of the Controller-General of the Republic.

Annex IV

VOLUME OF INVESTMENT IN CONSTRUCTION

DISTRICT OF PANAMA

YEAR	1985	1987	1990	1991	1992	1993	1994	1995
January	12 686 040	14 747 990	548 720	11 367 455	6 509 035	19 298 325	19 333 427	10 717 015
February	6 779 423	13 662 415	2 544 325	5 248 734	9 281 150	6 013 895	18 725 327	38 924 944
March	13 805 008	11 593 437	1 624 680	15 707 187	15 342 274	18 255 786	18 575 567	11 080 633
1st quarter	33 270 471	40 003 842	4 817 725	32 323 376	31 132 459	43 568 006	56 634 321	60 722 592
Growth for 1995	82.51%	51.79%	1 160.40%	87.86%	95.05%	39.37%	7.22%	

Economic Intelligence Service, CAPAC

According to figures of the
Municipality of the District of Panama

Annex V

PANAMANIAN CHAMBER OF CONSTRUCTION

ECONOMIC DEPARTMENT

VOLUME OF CONSTRUCTION IN THE DISTRICT OF PANAMA

1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
12 686 040	8 218 460	14 747 990	3 727 089	1 015 570	548 720	11 367 455	6 509 035	19 298 325	19 333 427	10 717 015
6 779 423	10 296 665	13 662 415	7 793 335	955 915	2 644 325	5 248 734	9 281 150	6 013 895	18 725 327	38 924 944
13 805 008	14 326 080	11 593 437	579 395	1 015 190	1 624 680	15 707 187	15 342 274	18 255 786	18 575 567	11 080 633
6 382 807	5 569 955	19 038 740	267 781	1 360 820	1 982 355	12 198 151	14 135 205	24 680 610	42 641 283	
14 794 730	11 353 471	12 092 434	829 440	721 045	2 838 985	7 407 185	17 773 701	27 044 613	19 873 057	
26 100 600	52 154 275	25 726 097	530 015	646 510	4 188 105	7 176 200	7 242 210	34 089 930	39 618 122	
9 469 435	5 367 515	13 876 860	2 452 005	1 384 590	8 842 545	11 302 770	20 836 275	33 888 860	25 804 099	
5 173 100	8 412 885	9 031 105	2 341 060	825 020	3 033 110	15 409 220	13 380 737	17 501 185	22 954 404	
9 943 458	7 001 755	6 065 790	1 332 725	1 028 780	3 542 620	6 004 785	22 174 809	38 629 245	18 235 673	
8 960 660	12 942 588	9 974 505	752 310	640 105	6 078 630	14 619 175	24 969 008	17 130 945	23 313 935	
7 381 320	5 104 511	10 779 495	2 665 050	1 341 650	6 739 238	6 744 029	7 899 945	9 647 230	10 252 090	
5 929 340	8 714 011	9 615 875	9 329 405	1 444 190	3 006 440	7 422 935	10 976 050	38 273 385	22 247 972	
127 405 921	149 462 171	156 204 743	32 599 610	12 379 385	45 069 753	120 607 826	170 520 399	284 454 009	281 574 956	60 722 592

Annex VI

ACTIVITIES BY THE MINISTRY OF HOUSING

PROGRAMME AND YEAR

Year	Total	Construction of housing (single-family)	Urban renewal (apartments)	Housing improvement (material loans)	Sites serviced	Surveying and legalization (shanty towns)	Community housing ("barracas")	Restoration of condemned houses	NAOS* (State land with self-construction)
TOTAL	86 534	23 879	7 890	20 230	8 408	13 991	1 352	8 632	2 152
1973	206	26	180	0	0	0	0	0	0
1974	991	39	952	0	0	0	0	0	0
1975	1 119	527	592	0	0	0	0	0	0
1976	4 381	2 731	1 650	0	0	0	0	0	0
1977	5 890	5 890	0	0	0	0	0	0	0
1978	3 637	3 637	0	0	0	0	0	0	0
1979	2 381	2 381	0	0	0	0	0	0	0
1980	870	424	96	0	350	0	0	0	0
1981	1 077	1022	0	0	38	17	0	0	0
1982	3 292	1 717	972	0	603	0	0	0	0
1983	4 371	1 553	622	915	273	287	721	0	0
1984	8 817	698	316	2 055	3 702	1 292	186	568	0
1985	9 849	834	384	2 568	170	2 355	40	3 498	0
1986	4 502	57	288	2 008	92	1 867	190	0	0
1987	6 788	1 185	360	1 286	2 700	884	116	257	0
1988	7 684	0	0	509	10	3 106	59	4 000	0
1989	1 464	9	0	0	420	840	40	155	0
1990	2 996	43	0	0	50	597	0	154	2 152
1991	732	124	198	410	0	0	0	0	0
1992	7 237	438	742	4 891	0	1 166	0	0	0
1993	8 250	544	538	5 588	0	1 580	0	0	0

Source: Ministry of Housing, Directorate-General of Planning and Budget.

* New Organized Settlements.

Annex VII

DIRECTORATE-GENERAL OF PLANNING AND BUDGET
PLANNING DEPARTMENT

HOUSING SHORTAGE BY PROVINCE ACCORDING TO MONTHLY HOUSEHOLD INCOME, 1990

Monthly household income (in balboas)	TOTAL	Percentage	Bocas del Toro	Coclé	Colón	Chiriquí	Darién	Herrera	Los Santos	Panamá	Veraguas
TOTAL	237 724		7 559	16 949	18 209	36 492	4 730	10 224	10 436	113 774	19 351
Percentage		100.00	3.18	7.13	7.66	15.35	1.99	4.30	4.39	47.86	8.14
Less than 100	67 969	28.59	2 570	7 707	4 869	12 155	2 952	4 261	4 293	18 124	11 038
100-124	11 272	4.74	293	1 051	783	2 452	246	671	732	4 073	971
125-174	16 868	7.10	467	1 432	1 358	3 332	261	855	950	6 895	1 318
175-249	23 328	9.81	704	1 581	1 848	4 109	280	1 025	1 062	11 275	1 444
250-399	34 943	14.70	1 284	1 937	2 772	5 532	416	1 233	1 262	18 864	1 643
400-599	28 733	12.09	974	1 395	2 316	3 832	249	945	919	16 861	1 242
600-799	16 974	7.14	579	731	1 435	1 916	132	449	452	10 649	631
800-999	10 806	4.54	270	420	890	1 095	79	286	264	7 100	402
1 000 and more	26 831	11.29	418	695	1 938	2 069	115	499	502	19 933	662